

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

SCOTT PHILLIP LEWIS,
Plaintiff

v.

WILLIAMSON COUNTY, TEXAS,
Defendant

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Case No. 1:21-cv-00074-ADA-SH

ORDER

Now before the Court are Plaintiff Scott Phillip Lewis' Emergency Rule 56(d) Motion for Continuance, filed December 22, 203 (Dkt. 130), and Defendant Williamson County, Texas' Response in Opposition to Plaintiff's Emergency 56(d) Motion for Continuance, filed December 29, 2023 (Dkt. 131).¹

On July 19, 2023, this Magistrate Judge held a hearing on Defendant Williamson County, Texas' first motion to compel at which Plaintiff, who is proceeding *pro se*, and counsel for Defendant were present. The same day, the Court granted Defendant's motion to compel and also ordered Defendant to produce documents responsive to seven requests for production Plaintiff made orally during the hearing. Dkt. 104 at 2-3. As the District Court stated in a subsequent order, "Plaintiff has had multiple opportunities to raise any discovery issues with the District Court" and this Magistrate Judge. Dkt. 116 at 3.

Discovery closed September 1, 2023. This case is set for a final pretrial conference on February 15, 2024, and jury trial in the month of March 2024. Text Orders issued October 10, 2023.

¹ The District Court referred all nondispositive and dispositive motions in this case to this Magistrate Judge for resolution or Report and Recommendation, respectively, pursuant to 28 U.S.C. § 636(b)(1), Federal Rule of Civil Procedure 72, and Rule 1 of Appendix C of the Local Rules of the United States District Court for the Western District of Texas. Dkt. 16.

Defendant filed its Motion for Summary Judgment on November 30, 2023.² Dkt. 124. On December 13, 2023, Plaintiff asked the Court to extend his response deadline until December 22, 2023, citing personal needs and follow-up with provider Austin Sports Medicine. Dkt. 126 at 3-4. The Court granted the requested extension by Text Order issued the same day, stating: “In view of the trial schedule, no further extension of the response deadline will be granted.”

Plaintiff now requests “an opportunity to conduct discovery essential to justify Plaintiff’s opposition to Defendant’s Motion for Summary Judgment.” Dkt. 130 at 1. Defendant responds that Plaintiff provides no explanation for why additional discovery is necessary and “has not established good cause to reopen non-expert discovery months after that deadline expired.” Dkt. 131 at 3.

Rule 56(d) provides that a court may allow time to take discovery if a nonmovant shows that, *for specified reasons*, he cannot present facts essential to justify its opposition to a motion for summary judgment. Plaintiff identifies no outstanding discovery essential to his response to Defendant’s summary judgment motion. Therefore, Plaintiff Scott Phillip Lewis’ Emergency Rule 56(d) Motion for Continuance, filed December 22, 2023 (Dkt. 130), is **DENIED**. Plaintiff has until **January 17, 2024** to file and serve his response to Defendant’s Motion for Summary Judgment, which shall be limited to 20 pages. **If Plaintiff does not file his response by that date, the Court may grant Defendant’s Motion for Summary Judgment as unopposed.**

SIGNED on January 2, 2024.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE

² Contrary to Plaintiff’s assertion, there are no other pending motions and no Rule 72 “objections filed by Plaintiff awaiting decisions” from the District Court. Dkt. 130 at 2. Plaintiff’s “objections” to orders granting Defendant’s second motion to compel (Dkt. 119) and extension of the dispositive motion deadline (Dkt. 123) are meritless.